## REMARKS

Claims 1-29 were originally presented in the subject application. Claims 22, 27 and 29 were amended in a response dated November 17, 2007. Claims 13-29 were canceled without prejudice in a response dated April 7, 2008. Claims 1, 5 and 6 were amended, and claim 4 was canceled, in a response dated June 6, ,2008. No claims have herein been amended, added or canceled. Therefore, claims 1-3 and 5-12 remain in this case.

Applicant respectfully requests reconsideration and withdrawal of the sole remaining ground of rejection.

## 35 U.S.C. §103 Rejection

The Office Action rejected claims 1-3, 5, 6, 8, 10 and 11 under 35 U.S.C. §103, as allegedly obvious over Afergan et al. (U.S. Patent Application Publication No. 2004/0010601) in view of Yoshida (U.S. Patent Application Publication No. 2004/0049546). Applicant respectfully, but most strenuously, traverses this rejection.

*Non-Analogous Art*

With regard to the non-analogous art issue, the Office Action "Response to Arguments" addresses Applicant's arguments with respect to Afergan and Yoshida, though is silent regarding Banister and Clarke. Thus, Applicant can only comment further on Afergan and Yoshida.

In numbered paragraph 7 on page 3 of the Office Action, an example of one of the issues indicated as considered by the Examiner to be pertinent is the operation of a proxy server that restricts communication. However, Applicant considers this unreasonable, since it is not the external communications unit of the invention that restricts communication, but the communications network itself that restricts outgoing email. Thus, Applicant submits art falling within such a category is simply addressing a different issue. As another example, looking at art concerned with incoming email through a firewall is the opposite of and has different concerns than restrictions on outgoing email.

The Office Action goes on to allege that Afergan is within the subjectively defined field of the transmission of data through a restricted network. However, the restriction focus should at least be the one that is claimed; namely outgoing restriction. Again, incoming and outgoing are two different issues with different concerns. For example, Afergan seeks to restrict incoming requests to prevent an attack, while the present invention seeks to facilitate outgoing email from a communication network having outgoing restrictions. Applicant submits that Applicant's own portrayal of the relevant field is not subjective, since it is what is recited in the claims as well as the body of the application. In contrast, the field alleged in the Office Action goes far beyond the scope of the presently claimed invention.

As a side issue to clarify Applicant's position, Applicants read the mention of a mail server in Afergan to mean that Afergan's shielding technique would seek to protect the mail server from a deluge of incoming mail in the form of an attack. Again, this is quite different from seeking an automated way (versus manual intervention) of getting email out of a communications network that has outgoing email restrictions.

Therefore, Applicant maintains that each of Afergan, Yoshida, Banister and Clarke is improperly cited against the present application as non-analogous art, as set forth in Applicant's prior response.

*Prior Art Rejections*

Claim 1 recites a method of facilitating the sending of mail from a restricted communications network. The method comprises automatically checking periodically by a communications unit external to a restricted communications network whether mail of the restricted communications network is to be sent, and retrieving by the communications unit the mail from the restricted communications network, in response to there being mail to be sent. The automatically checking comprises sending a request from a program of the communications unit to a program of the restricted communications network inquiring as to whether there is mail to be sent, and the program of the restricted communications network checks a data structure to determine whether there is mail in the data structure to be sent.

Afergan teaches routing user requests for content to a shield (group of content delivery servers), then from the shield through a firewall to the server able to access the content. See, e.g., the Summary of Afergan. The purpose is to protect the content server from incoming attacks.

Yoshida teaches a mail system where a central mail server receives mail for multiple client domains. A client-side mail server at each domain checks for mail intended for its clients at the central mail server. The central server authenticates the client server, then sends the mail, which the client-side mail server then distributes to individual users.

As an initial matter, Applicant submits that one of ordinary skill in the art would not be motivated to combine Yoshida with Afergan as alleged, since Afergan focuses on shielding the content server from *incoming* requests in the form of an attack (in the context of mail, protecting from a deluge of incoming mail in the form of an attack), while Yoshida focuses on disseminating *outgoing* mail from a central mail server.

Moving to the substantive aspects, against the claim 1 aspect of "automatically checking periodically," the Office Action cites to Afergan at numbered paragraphs 20-24. However, the term "automatically" and variants thereof is not actually used anywhere in Afergan. Also, while the term "periodically" is used in Afergan numbered paragraphs 21 and 23, the use in paragraph 21 is in conjunction with periodic checking of IP addresses in a network to create maps, not checking for mail or even other content.

The use in paragraph 23 speaks to metadata being periodically provided to servers within the main cloud of Afergan FIG. 1 from left to right, i.e., from the protected server outward. There is no checking involved in the process of disseminating the metadata, which is simply pushed into the cloud from the outside, then from left to right. Aside from the fact that the main cloud is not a restricted network, this is the opposite direction of claim 1, wherein an external communications unit checks to see if mail needs to come out of the restricted communications network. In short, Applicant submits Afergan numbered paragraph 23 teaches periodic pushing, not periodic checking. Moreover, the metadata originates from outside the cloud by a content provider, and there is no indication of the pushing being automatic in nature.

In addition, Applicant reviewed the use of the term "restricted" and variants in Afergan. The term is used in numbered paragraph 28; servers located in another region of a content delivery network can access the shielded origin server "under restricted, secure circumstances." Thus, the servers are part of the same network, whereas claim 1 recites that the communications unit is external to the network.

Against the aspect of mail within the restricted network needing to be sent, the Office Action cites to paragraphs 23 and 24 of Afergan. However, as noted above, paragraph 23 describes the dissemination of metadata originating from outside through the various servers in a top-down fashion. There is no checking from downstream to see if something needs to come down from upstream. Paragraph 24 speaks to end user requests for content coming into the edge servers, then the edge servers seeking that content if they do not have it, and likewise the shield seeking it from the protected server if they do not have it. Thus, the requests flow into the restriction. In the context of a mail server, this analogizes to restrictions on incoming mail, not outgoing mail, let alone checking for such outgoing mail from outside.

Against the retrieving aspect of claim 1, the Office Action cites to paragraphs 28 and 21-24 of Afergan. However, as remarked above, the focus of Afergan on protecting from incoming attacks indicates that the edge servers do not *retrieve* the content; rather, they *receive* the content from the shield servers who are the ones allowed to access the content server. This focus on incoming is borne out with respect to mail in the last four lines of Afergan paragraph 28, wherein it is taught that Web servers (including mail servers) are protected "from unauthorized **intrusion**" (emphasis added).

Applicant submits that Yoshida fails to remedy the shortcoming of Afergan with respect to mail coming out of a network with outgoing restrictions. Instead, Afergan restricts requests or mail that is incoming to the server. As shown in FIG. 1 of Yoshida, the firewalls are on the client side, not the central server side. Thus, Yoshida also does not address mail coming out of a network with outgoing restrictions; any restrictions are on the receiving side.

With regard to the wherein clause of claim 1, a careful review of the cited art reveals that while Yoshida does mention a data structure in numbered paragraph 0026, this is with respect to authentication of the client-side server by the central server prior to email transfer from the

central server to the client-side server. There is no disclosure, teaching or suggestion in Afergan or Yoshida, or their combination, regarding storing mail in a data structure, or checking a data structure to determine whether there is mail (or any other content) in the data structure to be sent out of the communications network.

Therefore, for at least the reasons noted above, Applicant submits that claim 1 cannot be obviated over Afergan in view of Yoshida.

Applicant submits that the dependent claims are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

For example, claim 11 recites that the forwarding of claim 8 comprises parsing the mail into one or more messages and sending the one or more messages to the one or more receivers.

Against claim 11, the Office Action cites to Afergan at paragraphs 21-24. However, it is clear from paragraphs 24 and 25 of Afergan that the content is accessed on a per-file basis according to the particular request being processed.

Therefore, for at least the reason noted above, Applicant submits that claim 11 cannot be obviated over Afergan in view of Yoshida.
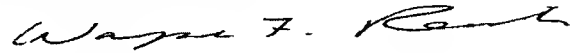
## CONCLUSION

Applicant submits that the dependent claims not specifically addressed herein are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations. In addition, Applicant does not acquiesce to any "well-known in the art" or similar allegations made in the Office Action. Further, unless specifically set forth otherwise, Applicant requests proof of any such allegations in the form of properly cited prior art or other allowed evidence.

For all the above reasons, Applicant maintains that the claims of the subject application define patentable subject matter and earnestly request allowance of all pending claims.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicant's undersigned attorney invites the Examiner to telephone him at the number provided.

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